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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 TOMMY LEE CROW JR,

11 Petitioner,

12 v.

13 RON HAYES,

14 Respondent.

CASE NO. 3:16-cv-05277-RJB-JRC

ORDER CONTINUING STAY

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16 Petitioner filed a petition for a writ of habeas corpus challenging his custody under a state  
17 court judgment and sentence. Dkt. 10.

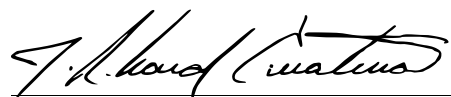
18 Petitioner was resentenced on April 21, 2016, and because the appeal of his new  
19 judgment and sentence was pending in the state courts, petitioner requested that the Court stay  
20 his case. Dkt. 12. The Court granted petitioner's motion, stayed his case until thirty days after the  
21 Washington courts ruled on his appeal, and directed petitioner to file a status report every 90  
22 days. Petitioner has consistently done so. *See* Dkts. 25, 27, 28, 29. Petitioner has also informed  
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1 the Court that, though his direct appeal has terminated, he is still seeking review of the new  
2 judgment and sentence by filing a personal restraint petition. *See* Dkt. 28.

3 In accordance with the Court's order, petitioner filed a status update on May 8, 2018,  
4 explaining that his personal restraint petition was still pending. Dkt. 33. However, he filed a  
5 second status update on June 21, 2018, explaining that he "already tried to file a continu[a]nce  
6 but was never informed as to whether it was accepted or not." Dkt. 34. Therefore, the Court  
7 clarifies its initial order staying the case as follows:

- 8 1) This matter continues to be stayed until 30 days after the Washington state court has  
9 ruled on petitioner's challenge to his judgment and sentence.
- 10 2) Petitioner shall continue to file a status report every 90 days. Petitioner's report must  
11 include the state court cause number and current status of his state proceedings.  
12 Petitioner's failure to file a proper report may result in the Court issuing a report and  
13 recommendation that this petition be dismissed for failure to comply with a Court  
14 order.
- 15 3) The Court will acknowledge petitioner's status updates and will inform petitioner of  
16 his next deadline.
- 17 4) Within 30 days of the Washington court's ruling on petitioner's challenge to his  
18 judgment and sentence, either party may file a motion to lift the stay.
- 19 5) The Clerk is directed to note a due date on the Court's calendar 90 days from the  
20 entry of this order and strike the June 1, 2018 deadline.

21 Dated this 22nd day of June, 2018.

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24 J. Richard Creatura  
United States Magistrate Judge